

**VILLAGE OF MARVIN  
NORTH CAROLINA**

**TO:** Planning Board  
**FROM:** Anna Whalen, Senior Planner  
**SUBJECT:** Planning Board Meeting – December 15, 2009  
Marvin Zoning Ordinance, Accessory Structure corner setback

**Staff Recommendation:**

Recommend approval to the Village Council add corner setback requirement for the following subsections of ARTICLE 4, Section 4.9 of the Marvin Zoning Ordinance:

1. 4.9.2 all accessory structure other than barns, detached garages, and well houses
2. 4.9.4 Barns
3. 4.9.5 Swimming Pools

**Background:**

At the September 2009 Planning Board meeting, it was noted that accessory structures do not have a side street setback requirement. The Planning Board requested that staff draft text for their review.

**Analysis:**

The setback for the side street of a corner lot is twenty-five (25) feet for the principal building in the “R” Marvin Residential District. The “RUC” Residential Union County District setbacks are based on those shown on the recorded plat. The current text does not differentiate setbacks based on zoning districts. The accessory uses and structure section applies to residential and commercial districts. Accessory Use Dwellings and Detached Garages must meet the setback requirements of the principal structure, so they do not require any change.

The Village Attorney has not reviewed the proposed text.

**Proposed Text Changes:**

Below is the proposed language for the Planning Board’s consideration. The existing language is in regular font. The changes are in **bold** and the proposed deletions are ~~stricken~~.

ARTICLE 4, Section 4.9 Accessory Uses and Structures

4.9.2 All accessory structures other than barns, detached garages, and well houses, twelve (12) feet in height or less as measured to the point of the roof or any appurtenance of the building shall be located only within the rear yard and shall be located no closer than ten (10) feet to any side or rear lot line **and twenty-five (25) feet on the side street of a corner lot**. Structures exceeding twelve (12) feet in height as described herein, shall be set back from rear and side lot lines an additional one (1) foot for every foot of height exceeding twelve (12) feet up to the required principal setback, thereafter, no further setback is required. Well houses shall be allowed in any yard. The footprint of an accessory structure with the exception of barns and farm related structures shall not exceed two thirds of the footprint of the principal building and may

not exceed the height of the principal structure in any residential district.

#### 4.9.4 Barns

Barns may be located only within the rear yard except as provided for below. Barns that are twelve (12) feet in height or less as measured to the point of the roof or any appurtenance of the building that do not house animals may be located no closer than ten (10) feet to any side and rear property line **and twenty-five (25) feet on the side street of a corner lot**. Barns exceeding twelve (12) feet in height as described herein, shall be set back from rear and side lot lines an additional one foot for every foot of height exceeding twelve (12) feet up to sixty (60) feet, thereafter, no further setback is required. Structures housing horses shall be located no closer than sixty (60) feet from any property line. Structures housing poultry or other livestock and waste removed from any such structure shall be located no closer than one hundred fifty (150) feet from any property line. Barns may be located in the side yard of any lot containing five (5) acres or more in size (or contiguous lots owned by the same entity) provided that the barn complies with all applicable setback requirements of this Ordinance. Barns located outside the above-defined setbacks are subject to a conditional use permit as provided for in Article 6.

#### 4.9.5 Swimming Pools

A swimming pool shall be considered an accessory use. A swimming pool can be located in the rear yard on all residential properties and shall be located no closer than ten (10) feet to any side or rear lot line **and twenty-five (25) feet on the side street of a corner lot**. A swimming pool may be located in the side yard provided that the principal structure has a minimum two hundred (200) foot front set back and the pool will have a minimum one hundred-fifty (150) foot side setback. Swimming pools located on corner lots shall be subject to the side yard setback requirements of the principal structure. Swimming pools located outside of the boundaries defined above are subject to a conditional use permit as provided for in Article 6. (See Section 4.3.2 for fencing requirements).